

Human Resources, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change (the catalyst theory) in the defendant's conduct is entitled to attorney's fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court's *Buckhannon* decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application more doubtful?

35. Brian Wolfman, Director of the Public Citizen Litigation Group notes, "The Bush administration says that *Buckhannon* applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued to expand *Buckhannon* to every pro-consumer and civil rights statute in every conceivable situation." What approach (or approaches) to statutory construction of Congressional enactment was evident in the Supreme Court's *Buckhannon* decision? How would you describe the reliance on (or lack of reliance on) legislative history in the majority's reasoning in that case? Do you believe the Bush Justice Department is applying the *Buckhannon* decision correctly?

36. From both a legal (constitutional) and practical perspective, what is your view of the trend in the federal judiciary toward releasing more of its opinions in "unpublished" form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

37. Should federal judges attend seminars which are funded by private corporations (or by foundations that are funded by such corporations) that have matters of interest to the corporations before the courts?

38. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case or argue a position that he or she believes is illegal, unconstitutional or unethical? Or should government lawyers have a "right of conscience" like other professionals?

39. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

40. How many hours or what percent of their work time do you think partners in major firms should devote to pro bono work each year?

41. How many hours on average did you bill per year as a partner and at what rates?

42. How many hours on average did you bill per year as an associate?

43. What was the nature of your pro bono work and approximately how much time per year did you devote to pro bono work?

44. Corporate attorneys and legal scholars have written books and articles decrying unethical or fraudulent billing practices in large corporate law firms. An article in the Summer 2001 *Georgetown Journal of Legal Ethics* titled *Gunderson Effect and Billable Mania: Trends in Overbilling and the Effect of New Wages states that unethical billing practices are "a pervasive problem in law firms across the country"—do you agree?*

45. Did you ever observe unethical billing practices when you were in private practice?

46. If so, what was the nature of and who were the protagonists of such practices?

I hope these questions, whether asked orally or submitted to the nominee in writing for response, spark a robust, constructive debate between the Committee members and the nominee. Such exchanges should provide the Senate and the larger public with insights

into how Judge John G. Roberts will, if confirmed as Chief Justice, perform his duties.

RECOGNIZING DR. ROBERT W.  
DARTER OF SAINT HELENA,  
CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Dr. Robert Darter of Saint Helena, California for his 40 years of public service on the Saint Helena Library Board of Trustees, making him one of the longest serving members.

A native of Northern California, Dr. Darter earned his Bachelors of Science in Public Health from the University of California at Berkeley. He received both his M.S. in Microbiology and his M.D. from Northwestern University in Chicago.

Dr. Darter has become a household name in Saint Helena. A beloved and highly revered doctor throughout the community, Dr. Darter has helped care for and protects the health of his fellow Napa Valley citizens for nearly half a century.

Despite the uncompromising and exhausting demands of his profession, Dr. Darter has continued to devote his life to the betterment of our community. He has worked with numerous organizations including the Boy Scouts of America and Kiwanis Club of Saint Helena.

For the past 40 years Dr. Darter has played an integral role on the Saint Helena Public Library's Board of Trustees, the past 29 of which he has served as Chairman. With his leadership, dedication and forward thinking personality the Saint Helena Public Library has made considerable advances, including two building expansions, the first in 1979 and the second in 1999. He is currently working to designate neighboring land for future expansion campaigns, which will enable our library to continue enriching our community with the best possible resources.

I'm sure Dr. Darter's wife, Jan, and their five children Robert, Michael, James, John and Kimberley are all extremely proud of him.

Mr. Speaker, it is appropriate that we thank Dr. Robert Darter for his years of hard work and dedication to my hometown, Saint Helena. On behalf of my fellow colleagues I wish to extend my sincerest gratitude to Dr. Darter for all that he has done and continues to do for our community. Thank you, Dr. Darter.

HISPANIC HERITAGE MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise in honor of Hispanic Heritage Month and pay tribute to the extraordinary contributions that Hispanics make to America year-round. This month-long celebration begins on September 15, the anniversary of the independence of 5 Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. This anniversary commemorates the day

these countries declared their independence from colonial rule, and continues to represent unity for all Latinos in the U.S. and in Latin America.

Throughout the month we celebrate the Hispanic community and pause to reflect on Hispanic values—faith, family, and patriotism. These values are American values. The Hispanic dream—the hope of a better future—is the American dream. There are more than 41 million Hispanic-Americans, and their hard work, deep faith and closely-knit families have made America a better and stronger country. As a Nation, we must advance initiatives that support empowerment and opportunity for all.

During this month, I am pleased to recognize the efforts of groups in Maryland's Eighth Congressional District that work to enrich the lives of Hispanic-Americans. An example of one such group is CASA de Maryland. The Ford Foundation and the National Council of La Raza, NCLR named CASA de Maryland "Affiliate of the Year" in recognition of its hard work and dedication to providing services that improve the lives of Latinos and others in Montgomery and Prince George's Counties.

As we honor the achievements of Hispanics, we know that celebrating the Hispanic community for one month a year is not enough. All Latinos deserve a real opportunity to achieve the American dream, whether they have been here for generations or have just arrived on our shores.

IN HONOR OF THE 3RD ANNUAL  
HISPANIC HERITAGE DINNER  
AND DANCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HIGGINS. Mr. Speaker, on Saturday night, September 17, 2005, the 3rd Annual Hispanic Heritage Dinner and Dance will take place. I would like to congratulate the three organizations that worked hard to put this dinner together, Hispanics United of Buffalo, the Hispanic Women's League, and the Latino Business Owners Association (LBOA).

Hispanics United of Buffalo has worked hard in this community, providing assistance, while instilling pride, promoting rights, and allowing people to have a chance at a better life, by offering services unheard of being offered in the Hispanic community. Such services advocated by the agency include access to proper nutrition, adequate housing, affordable health care, meaningful employment, and equal educational opportunities. Since its inception, HUB has aided the Hispanic community by being a first step into a better, more prosperous community, not just for Hispanics nor simply for the West Side but for everyone in this city and for that I commend them.

The Hispanic Women's League, was formed in 1979 by a group of women to respond to issues affecting Hispanic women in Western New York. The primary commitment of the league has been to maintain a scholarship fund established to grant financial support to Hispanic/Latina women pursuing higher education. If it were not for the efforts of this organization, the next generation of leadership for the community would not be secure, by providing a chance at higher education to youth

in the Hispanic community; The Hispanic Women's League has ensured the future of the Hispanic community is a bright one and for that I would like to commend you.

The Latino Business Owners Association (LBOA) has become a sound and strong organization that serves existing and startup businesses in our community. It is the anchor of support in the business community with Leadership and Guidance. Aiding entrepreneurship in the Hispanic community, the LBOA is on the frontline of economical prosperity, providing credibility and an overall positive future for the community it has vowed to aid, and for this I commend you.

These three organizations play vital roles in the destiny of this community, and I know that their tireless efforts will continue to have a positive impact and play a major role in this city for years to come.

## RECOGNIZING HISPANIC HERITAGE MONTH

**HON. TOM DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize the celebration of Hispanic Heritage Month and to recognize the importance of democracy in the Americas.

Hispanic Heritage Month runs from September 15th to October 15th each year and is an occasion for all Americans to recognize the invaluable achievements and contributions that Hispanic Americans have made to our nation. The first day of Hispanic Heritage Month also marks the anniversary of independence for six Latin American countries—Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

Hispanic Americans are members of a rapidly expanding and increasingly influential community in this nation, and they have played a vital role in shaping our nation's culture. They have contributed to every aspect of enhancing our society including serving as leaders in business, government, law, science and the arts. Additionally, they have sacrificed in the defense of this nation's freedom by serving in every major American conflict. Currently more than 10 percent of our active duty force is of Latino descent.

During this month's celebration, it is important to take time to recognize the value of the role Hispanics have taken in the democratic process both here in the United States and abroad. Hispanics in this country have taken an active role in democracy by increasing voter participation and striving to be model citizens, truly meriting recognition. Hispanic Americans' dedication to democracy is an extension of their strong commitment to community, hard work, and family unity.

Mr. Speaker, in closing, I call upon my colleagues to join me in recognizing and celebrating National Hispanic Heritage Month.

## STATEMENT ON HOW TO END THE WAR IN IRAQ

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, on September 15, 2005, I prepared the following statement during a hearing organized by Rep. LYNN WOOLSEY on how to end the war in Iraq:

Good morning. Thank you, Chairwoman WOOLSEY for your leadership in holding this important hearing. 1,896 of our brave young men and women have died in Iraq. By some counts, up to 100,000 innocent Iraqis have perished in a war that was based on false premises. It was wrong to go in from the start and it is wrong to stay. And it is counter-productive to U.S., Iraqi and regional interests, as Iraq heads closer to an all-out civil war.

The U.S. presence in Iraq is fueling the insurgency, and has turned Iraq into a training ground for the insurgents. The insurgency is growing stronger by the day and attack tactics are becoming more advanced. Iraqi rebels have refined their bomb-making skills. According to a CIA assessment from this past June, the Iraq war was likely to produce a dangerous legacy by dispersing to other countries Iraqi and foreign combatants more adept and better organized than they were before the conflict.

It is not only our soldiers who are falling victim to this insurgency. Just yesterday it was reported that almost 150 Iraqis died and 500 were wounded in coordinated attacks of at least a dozen suicide bombings in Baghdad. 114 of those people were Shiite day laborers in Baghdad, lured into a minibus by a suicide bomber with the promise of work. This was the second deadliest suicide bombing since the war began. Al-Zarqawi's Sunni militant group, Al Qaeda in Mesopotamia, claimed responsibility in statements released over the group's website that said the bombings signified that "the battle to avenge the Sunni people of Tal Afar has started." Later, an audiotape released over the Internet that was said to be from Al-Zarqawi declared a "full-scale war on Shiites around Iraq, without mercy."

One year ago today, it was reported that a National Intelligence Estimate produced for President Bush in the summer of 2004 on the political, economic and security situation in Iraq determined that at best, stability in Iraq would be tenuous, and at worst, there were trend lines that pointed to a civil war.

Now today, as fears of civil war in Iraq are becoming realized, it is clear that the worst scenario predicted is coming true. The U.S. presence in Iraq is only making the conflict worse, as it is strengthening tensions between the Sunni militants and the Shiite majority, and serving to strengthen the insurgency.

The Iraqi constitution and the run-up to the October 15 referendum on the constitution has been a central point of concern for the Sunnis, who feel that the constitution will institutionalize their reduced role in Iraq. Tensions between Sunnis and Shiites have increased recently and the attacks yesterday in Baghdad only emphasize that point. Yet the constitution is widely perceived to have a large U.S. footprint. Adnan Pachachi described how U.S. Ambassador Zalmay Khalilzad participated in

most meetings for the constitution and was not neutral. Despite the Sunnis wanting to continue negotiations on the constitution, according to Mr. Pachachi, Ambassador Khalilzad was interested in seeing the draft constitution done and sent to the National Assembly as soon as possible in order to prove that US policy has succeeded in Iraq.

Furthermore, the U.S. presence has served to attract and recruit terrorists into Iraq, to fight the U.S. and what they consider to be the U.S.-backed government of Iraq. The insurgents' attacks are becoming more advanced through their practice on U.S. soldiers and now they are applying these improved tactics on the Shiite majority.

The U.S. presence is strengthening tensions within Iraq. There is no better time to leave than now—before the situation worsens. Iraqis themselves have asked for it. On June 23, 83 members of Iraq's newly elected National Assembly signed a petition calling for a timetable for the withdrawal of foreign troops.

A member of the Assembly, Abdul-Rahman al-Neeimi, told the paper that American forces "have used all possible means in order to provoke sectarian strife in Iraq, but have failed thanks to God." He concluded by saying, "We tell the occupation forces: Hands off the Iraqi people and let us heal our wounds by our own means."

It is time for this Congress to put aside the partisan differences that have occurred over the war and to come together in a plan where we can unify to take steps to withdraw our troops from Iraq and to take steps to heal the breach that the war has created between America and the world community. NEIL ABERCROMBIE, WALTER JONES, RON PAUL and I introduced a bipartisan bill calling for the withdrawal of U.S. forces from Iraq, and an announcement of the withdrawal by December 31, 2005. I believe that while a number of factors must come into play for a successful withdrawal, which I hope will be highlighted here today, merely announcing the withdrawal will start to reverse the increasingly disastrous course in Iraq.

## IN LASTING MEMORY OF RAY BRAXTON MARTIN

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROSS. Mr. Speaker, I rise today to commemorate the life and legacy of Ray Braxton Martin. Ray died on August 21, 2005 in Pine Bluff, Arkansas. Born on November 23, 1919 in the town of Rison, Arkansas, Ray graduated as co-valedictorian with his twin brother, Roy, from Rison High School in 1937.

Ray and his brother dedicated 31 years to Martin Brothers Gas Company. Ray is perhaps best remembered in Rison for his service to the Election Commission for nearly 35 years. It was imperative to Ray that local elections were carried out with the utmost integrity and honesty. Ray's impressive list of community activities include the Superintendent of Rison Baptist Church Sunday School where he was also a deacon, a 32nd degree Mason, past President of Arkansas Butane Association, and past Chairman of the Board of Trustees for Henderson State University. As you